

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOEL STEVENS, *et al.*

Plaintiffs,

v.

ATRICURE, INC., *et al.*

Defendants.

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: Case Number: 1:22-cv-284
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: Judge Michael R. Barrett
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**MOTION TO CONFIRM SUBSTITUTION OF COUNSEL FOR ADVENTIST
AND ST. HELENA**

Pursuant to S.D. Ohio Civ. R. 83.4(b), Adventist Health (“Adventist”) and St. Helena Hospital (“St. Helena”) move the Court to confirm the substitution of Michael J. Bronson as trial attorney for Adventist and St. Helena and to remove Daniel Adams, who served as local counsel before the matter transferred from the United States District Court for the Western District of North Carolina, as counsel of record. The substitution will not prejudice any party. Mr. Bronson, Michael Ferrara, and Chelsea Chalk, all of whom are admitted in the Southern District of Ohio, will continue to represent Adventist and St. Helena along with Jason Ohta, Amy Hargreaves, and Catherine Rizzoni, who have been granted *pro hac vice* admission. Undersigned counsel has provided the prior notice required by Local Rule 83.4(b), and Adventist, St. Helena, and Mr. Adams consent to the relief requested. The reasons for this request are more fully set forth in the supporting memorandum.

DATED this 7th Day of June, 2022.

Respectfully Submitted,

/s/ Michael J. Bronson

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*Counsel for Defendants Adventist and St.
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MEMORANDUM IN SUPPORT

Consistent with the following factual background, good cause exists to grant the motion to substitute Mr. Bronson and to remove Mr. Adams as counsel of record:

- 1) Adventist and St. Helena retained Daniel Adams to serve as counsel of record in *Stevens v. Atricure et al.*, No. 3:17-cv-10 (W.D.N.C.) while the matter was pending in the United States District Court for the Western District of North Carolina.
- 2) Mr. Adams filed his notice of appearance in the United States District Court for the Western District of North Carolina on July 7, 2021.
- 3) On December 7, 2021, the United States District Court for the Western District of North Carolina ordered the case transferred to the United States District Court for the Southern District of Ohio. ECF 69. On May 24, 2022, the United States District Court for the Southern District of Ohio acknowledged receipt of the transferred case.
- 4) Adventist and St. Helena retained Mr. Bronson to serve as trial attorney in the Southern District of Ohio and to work in concert with long-standing counsel at Latham and Watkins, who have sought and obtained *pro hac vice* admission. *See* ECF 75–77.
- 5) Adventist, St. Helena, and Mr. Adams have agreed that he will no longer continue as counsel of record now that the matter has transferred. Because Mr. Adams is neither licensed to practice in the Southern District of Ohio nor admitted *pro hac vice*, he cannot file a motion to withdraw as counsel. Accordingly, Adventist and St. Helena believe substitution to be the appropriate remedy to remove Mr. Adams as counsel of record.

- 6) Pursuant to Local Rule 83.4(b), undersigned counsel has conferred with Adventist, St. Helena, and its current counsel (including Mr. Adams), and all consent to the relief requested.

For the foregoing reasons, we respectfully request that the Court remove Mr. Adams from the case as an attorney of record for Defendants Adventist and St. Helena.

Respectfully submitted,

/s/ Michael J. Bronson

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CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2022, a true and correct copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's Electronic Filing System. Parties may access the filing through the Court's system.

/s/ Michael J. Bronson

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